

FEB. 21. 2007 10:37AM

CHRISTENSEN OCONNOR

**CHRISTENSEN
O'CONNOR
JOHNSON
KINDNESS^{UPLLC}**

LAW OFFICES

PATENT, TRADEMARK AND OTHER
INTELLECTUAL PROPERTY MATTERS

NO. 9562 P. 1

1420 FIFTH AVENUE, SUITE 2800
SEATTLE, WASHINGTON 98101-234

TELEPHONE: 206.682.8100

FAX: 206.224.0779
INTERNET: www.cojk.com

FACSIMILE COVER SHEET

DATE: February 21, 2007

TO: U.S. Patent and Trademark Office
Refund Branch

FACSIMILE NO: 571.273.6500

RE: U.S. Patent Application No. 10/561,283
Request for Refund

OUR REFERENCE: CASM-1-26914

YOUR REFERENCE: Confirmation No. 2241

FROM: Carole Julyan
Secretary to Dennis K. Shelton

(Facsimile No. 206.224.0779)

MESSAGE: Attached find copies of the following (which were received at the PCT/PTO on May 5, 2006, but apparently not forwarded on to the Refund Branch):

(1) Request for Refund; (2) Deposit Account Statement showing the \$100 charge; (3) fee transmittal page and Claim Fee Calculation Sheet; (4) postcard returned from the USPTO indicating receipt of documents by the OIPE on May 5, 2006.

Please issue a credit to Deposit Account No. 03-1740. Thank you for your assistance on our behalf.

*** The information contained in this facsimile message is privileged and confidential information intended only for the use of the recipient named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, any distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address by mail. ***

We have 8 pages to send, including this sheet. If any pages need to be retransmitted, please call 206.682.8100, Ext. 1200, within 15 minutes.

cj

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CHRISTENSEN OCONNOR

NO. 9562 P. 2



A-3 Rec'd PCT/PTO 05 MAY 2006

MAIL STOP 16 PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: G. Spangenberg et al. Attorney Docket No.: CASM126914
 U.S. Application No.: 10/561,283 Confirmation No.: 2241
 Int'l. Application No.: PCT/AU04/00802
 Int'l. Filing Date: June 18, 2004
 Title: RYEGRASS POLLEN-SPECIFIC PROMOTERS AND
 EXPRESSION CONSTRUCTS

REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

Seattle, Washington 98101

May 1, 2006

DIRECTOR - U.S. PATENT AND TRADEMARK OFFICE:

ATTENTION: Refund Section, Accounting Division, Office of Finance

I. Refund Request

This is a request for refund with respect to the charge to Deposit Account No. 03-1740, shown on the statement dated April 2006, for the above-identified patent application. A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

II. Fees Charged for Which Refund Requested

	Amount of Fee Requested
<u>1615</u> Extra Claim Fee (2 extra claims) -	\$100.00
<u>Total Refund Requested:</u>	\$100.00

III. Explanation of Why Contested Charge Is in Error

There were ²⁵23 total numbered claims in the application, 4 of which were multiple-dependent claims which counted as 3 each, thus adding 8 "extra" claims to the original 23, for a total claim count of ³¹31. Thus there was a total of 11 extra claims over 20 at \$50 each = \$550. The \$550 extra claim fee was included in our Check No. 167824 in the amount of \$1,810. We were charged for an additional two extra claims above the total of 31, which is an incorrect calculation. Enclosed is a copy of the original fee transmittal page as well as our Claim Fee Calculation Sheet.

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 1420 Fifth Avenue
 Suite 2800
 Seattle, Washington 98101
 206.682.8100

-1-

CASM26914143B.DOC

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CHRISTENSEN OCONNOR

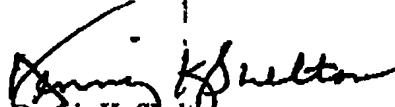
NO. 9562 P. 3

IV. Manner of Refund

Please provide us with a refund by crediting Deposit Account No. 03-1740.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{LLC}



Dennis K. Shelton

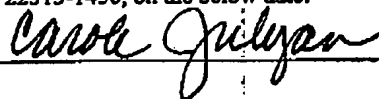
Registration No. 26,997

Direct Dial No. 206.695.1718

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop 16, Director - U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

5/2/06



DKS:cj

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1420 Fifth Avenue
Suite 2800
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FEB. 21. 2007 10:38AM
Deposit Account Statement

CHRISTENSEN OCONNOR

NO. 9562^{ragp.} 4¹

04/04 1910 2341594	FAYE-2-14011	7205	\$100.00	\$7,173.48
04/04 1911 2341594	FAYE-2-14011	7208	\$200.00	\$8,973.48
04/05 8 2496352	CSHL-2-29725/25683	8521	\$40.00	\$6,933.48
04/05 9 2496352	CSHL-2-29725/25683	8522	\$25.00	\$6,908.48
04/05 12 5356510		9204	-\$3,800.00	\$10,708.48
04/05 12 2413498	CSHL-2-19535/19537	8521	\$40.00	\$10,668.48
04/05 13 2413498	CSHL-2-19535/19537	8522	\$25.00	\$10,643.48
04/05 14 2413498	CSHL	8521	\$40.00	\$10,603.48
04/05 15 2413498	CSHL	8522	\$75.00	\$10,528.48
04/05 78 78232689	ONCONM229251/29407	8521	\$40.00	\$10,488.48
04/05 79 78232689	ONCONM229251/29407	8522	\$25.00	\$10,463.48
04/05 132 60670944	NFNP-1-27375 LKP	8007	\$20.00	\$10,443.48
04/05 182 5830874	UWOTL18556	2552	\$1,150.00	\$9,293.48
04/05 653 78853684	IJS-2-32821	7001	\$325.00	\$8,968.48
04/05 685 78853695	IJS-2-33445	7001	\$650.00	\$8,318.48
04/05 874 78243521	SSNO-2-29543	7003	\$200.00	\$8,118.48
04/05 1649 78345214	FAYE-2-30519	7003	\$100.00	\$8,018.48
04/05 1789 2048228	SEME213329	7205	\$100.00	\$7,918.48
04/05 1790 2048228	SEME213329	7201	\$400.00	\$7,518.48
04/06 1 11110024	UTLX123686	1255	\$1,140.00	\$6,378.48
04/06 3 SUBSCRIPTION	SOCS	8001	\$15.00	\$6,363.48
04/06 24 6462770	XILL110864	1551	\$900.00	\$5,463.48
04/06 207 29221790	CSHL124242	8021	\$200.00	\$5,263.48
04/06 264 78066946	DIAC-2-30802	7004	\$150.00	\$5,113.48
04/06 412 1402784	MDPC218035	7205	\$100.00	\$5,013.48
04/06 413 1402784	MDPC218035	7201	\$400.00	\$4,613.48
04/06 1823 78856518	SUTK-2-33471	7001	\$325.00	\$4,288.48
04/06 1839 78425609	PFOO-2-31206	7004	\$450.00	\$3,838.48
04/06 1851 76300253	PLEF-2-27192	7004	\$150.00	\$3,688.48
04/06 2036 76300255	PLEF-2-27193	7004	\$150.00	\$3,538.48
04/07 19 E-REPLENISHMENT		9203	-\$5,000.00	\$8,538.48
04/07 27 10815159	WEYE121926/25350	1801	\$790.00	\$7,748.48
04/07 28 10813957	25487 (WEYE122861)	1801	\$790.00	\$6,958.48
04/07 310 78682643	TINC-2-32841	7001	\$325.00	\$6,633.48
04/07 347 60756338	LIUI128106	8021	\$40.00	\$6,593.48
04/07 375 10573670	KILS127291	1615	\$540.00	\$6,053.48 - DKS
04/07 377 10573670	KILS127291	1616	\$360.00	\$5,693.48
04/07 778 78856087	IJS-2-33179	7001	\$325.00	\$5,368.48
04/07 829 78856120	IJS-2-32765	7001	\$325.00	\$5,043.48
04/07 831 78856123	IJS-2-32764	7001	\$325.00	\$4,718.48
04/07 1025 0344797	LIBO28922	7205	\$100.00	\$4,618.48
04/07 1026 0344797	LIBO28922	7201	\$400.00	\$4,218.48
04/07 1568 78856483	SCLF-2-33526	7001	\$325.00	\$3,893.48
04/10 12 E-REPLENISHMENT		9203	-\$5,000.00	\$8,893.48
04/10 18 10561283	CASM126914	1616	\$100.00	\$8,793.48 - DKS
04/10 109 11296574	SEMT125721	1111	\$500.00	\$8,293.48 - JIVE
04/10 110 11296574	SEMT125721	1311	\$200.00	\$8,093.48 - Ho
04/10 234 5354455	CLTI16516	2553	\$1,900.00	\$6,193.48

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NO. 9562 PP. 5 of 3



**United States
Patent and
Trademark Office**

USPTO Home Page
Finance Online Shopping Page

Deposit Account Statement

Requested Statement Month: April 2006
 Deposit Account Number: 031740
 Name: CHRISTENSEN O'CONNOR JOHNSON & KINDNESS
 Attention:
 Address: 2800 PACIFIC FIRST CENTRE
 City: SEATTLE
 State: WA
 Zip: 98101
 Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
04/03	50	E-REPLENISHMENT		9203	-\$5,000.00	\$8,823.48
04/03	62	3053615		8503	\$15.00	\$8,808.48
04/03	63	1328713		8503	\$15.00	\$8,793.48
04/03	64	1328714		8503	\$15.00	\$8,778.48
04/03	65	E-REPLENISHMENT		9203	-\$5,000.00	\$13,778.48
04/03	65	2957935		8503	\$15.00	\$13,763.48
04/03	68	2646008		8503	\$15.00	\$13,748.48
04/03	286	5373433	XANT119318	1553	\$3,800.00	\$9,948.48
04/03	415	78340389	STHA-2-30382	7004	\$150.00	\$9,798.48
04/03	492	78851511	REVG-2-33444	7001	\$325.00	\$9,473.48
04/03	770	78469471	WSC1-2-31390	7001	\$325.00	\$9,148.48
04/03	808	78851712	OBTM-2-33468	7001	\$1,950.00	\$7,198.48
04/04	52	10717977	LEPA122042	1801	\$790.00	\$6,408.48
04/04	63	E-REPLENISHMENT		9203	-\$5,000.00	\$11,408.48
04/04	86	11347537	CHEC-1-26662	8021	\$40.00	\$11,368.48
04/04	106	10815143	25324	1801	\$790.00	\$10,578.48
04/04	107	10798251	FRAB122492	1801	\$790.00	\$9,788.48
04/04	108	10798251	FRAB122492	1253	\$1,020.00	\$8,768.48
04/04	137	78486083	JORC231617	7004	\$300.00	\$8,468.48
04/04	144	11228635	ANMO126472	8021	\$40.00	\$8,428.48
04/04	242	11337108	SYIP126956	8021	\$40.00	\$8,388.48
04/04	262	10545012	FBRJ125443	8021	\$40.00	\$8,348.48
04/04	731	78597085	PATTD-2-32154	7001	\$325.00	\$8,023.48
04/04	1357	78243521	SSNO-2-29543	7004	\$300.00	\$7,723.48
04/04	1378	78380457	PFOO-2-28958	7004	\$150.00	\$7,573.48
04/04	1893	2338932	FAYE-2-15434	7205	\$100.00	\$7,473.48
04/04	1894	2338932	FAYE-2-15434	7208	\$200.00	\$7,273.48

The following fees are submitted:				CALCULATIONS	
21.	<input checked="" type="checkbox"/> a)	Basic national fee.....	\$300	\$300.00	
22.	<input checked="" type="checkbox"/> b)	Examination fee If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....	\$0.00	\$200.00	
		All other situations.....	\$200.00		
23.	<input checked="" type="checkbox"/> c)	Search fee If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....	\$0.00	\$400.00	
		Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....	\$100.00		
		International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....	\$400.00		
		All other situations.....	\$500.00		
TOTAL OF ABOVE CALCULATIONS =				\$900.00	
Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	Rate		
50 - 100 =	0/50 =		x \$250	\$-	
Surcharge of \$130 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(b)).				\$-	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	31 - 20 =	11	x \$50	\$550	
Independent claims	1 - 3 =	0	x \$200	\$-	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$360	
TOTAL OF ABOVE CALCULATIONS =				\$1,810	
Applicants claim small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$-	
SUBTOTAL =				\$1,810	
Processing fee of \$130 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$-	
TOTAL NATIONAL FEE =				\$1,810	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property.				\$-	
TOTAL FEES ENCLOSED =				\$1,810	

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206.682.8100

-3-

CLAIM FEE CALCULATION SHEET

Docket No. CASM-1-26914

Claim No.	DATE	DATE	DATE	DATE	DATE
	D	D	D	D	D
1.					
2.	O				
3.	O				
4.	O				
5.	O				
6.	O				
7.	O				
8.	O				
9.	O				
10.	O				
11.	O				
12.	O				
13.	O				
14.	O(M3)				
15.	O(M3)				
16.	O(M3)				
17.	O(M3)				
18.	O				
19.	O				
20.	O				
21.	O				
22.	O				
23.	O				
24.					
25.					
26.					
27.					
28.					
29.					
30.					

Total Ind.	1								
Total Dep.	30	←	←	←	←	←	←	←	←
Total	31								

KEY	O : Original	PP : Previously presented (a prior "new" or prior "currently amended" claim)
	N : New	NE : Not entered (in prior amendment) or entry status unknown
	W : Withdrawn	WCA : Withdrawn - currently amended
	C : Canceled	(M#) : Multiple-dependent claim + number value
	CA : Currently amended	(M1*) : "Incorrect multiple-dependent claim counted as "1"

FEB. 21. 2007 10:39AM

CHRISTENSEN OCONNOR

NO. 9562 P. 8

File No.: CASM-1-28914

Atty/Secy: DKS/cj

Date: 6/2/2006

Appln. No.: 10/561,283

Filed:

Applicant(s): G. Spangenberg et al.

Title: RYEGRASS POLLEN-SPECIFIC PROMOTERS AND EXPRESSION CONSTRUCTS

The following have been received in the U.S. Patent and Trademark Office on the date stamped hereon via first-class mail, with a signed Certificate of Mailing:

Request for Refund (2 pages)

Copy of Deposit Account Statement (3 pages)

Copy of the original fee transmittal page (1 page)

Copy of the Claim Fee Calculation Sheet (1 page)

AP3 Rec'd PCT/PTO

05 MAY 2006
RECEIVED

MAY 12 2006

Christensen O'Connor
Johnson Kindness PLLC